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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,188	06/01/2001	David C. Mullen	7	2918

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AVAYA INC.  
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LINCROFT, NJ 07738

EXAMINER

TO, JENNIFER N

ART UNIT	PAPER NUMBER
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2195

MAIL DATE	DELIVERY MODE
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05/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/872,188

Applicant(s)

MULLEN, DAVID C.

Examiner

Jennifer N. To

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 20, 21, 23-25 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-18, 22, 26-37 and 42-54 is/are allowed.
- 6) ☒ Claim(s) 1-3, 20, 21, 23, 25, 38 and 39 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 24, 40 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-5, 20, 21, 23-25 and 38-41 are pending for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 20-21, 23, 25, and 38-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhao (U.S. Patent No. 6466664).

4. As per claim 1, Zhao teaches the invention as claim including a work management method comprising:

for a future point in time, determining a probability of availability of each resource (agent) of a plurality of resources (group of agents) at said future point in time, to obtain the probabilities of availability of the plurality of the resources (abstract, lines 5-11; col. 6, lines 49-56, 163-65,; col. 7, lines 12-16, 34);

combining together the determined probabilities of availability of the plurality of resources to obtain a number that is a result of the combining (col. 7, lines 15-17); and

using the number to schedule new tasks (new calls) for the resources for the future point in time (col. 7, lines 21-23, 63-67; col. 13, lines 45-52).

5. As per claim 2, Zhao teaches that wherein using the number to schedule new tasks comprises scheduling for the future point in time no more than the number of the new tasks to become available for servicing by the plurality of the resources (col. 13, lines 45-52).

6. As per claim 3, Zhao teaches that wherein combining together the determined probabilities comprises summing the probabilities to obtain the number (col. 7, lines 15-17).

7. As per claims 20-21, 23, 25, and 38-39, they are rejected for the same reason as claims 1-3 above.

***Allowable Subject Matter***

8. Claims 6-18, 22, 26-37, and 42-54 are allowable.

9. Claims 4-5, 24, and 40-41 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-3, 20-21, 23, 25, and 38-39 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Flockhart et al. (U.S. Patent No. 6563920), Leamon (U.S. Patent No. 6970829), and Svoronos et al. (U.S. patent no. 5802161) teach method and system for predicting the availability of agents to handle calls in a call center.

Chapman et al., ("Predictive Resource Scheduling in Computational Grids", Department of Computer Science, university College London, pages 1-15) teaches system for predicting resource in computing grids.


Lesaint, ("Dynamic Workforce Scheduling for British Telecommunication plc", Interfaces 30, pages 45-56, 2000) teaches system for predicting/forecasting resource availability in telecommunication system.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer N. To whose telephone number is (571) 272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer N. To  
Examiner  
Art Unit 2195

  
MENG-AI T. AN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100